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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

December 24, 1985

CERTIFIED RETURN RECEIPT REQUESTED
P 402 457 791

Mr. Charles Gent
Genwal Coal Company
PO Box 1201
Huntington, Utah 84527

Dear Mr. Gent:

RE: Proposed Assessment for State Violation No.'s N85-4-23-1, N85-4-16-1, C85-4-3-1, C85-4-7-1, C85-4-5-2, ACT/015/032, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violations. These violations were issued by Division Inspector Dave Lof, N85-4-23-1, September 5, 1985; N85-4-16-1, May 10, 1985; C85-4-3-1, May 2, 1985; C85-4-7-1, June 28, 1985; and C85-4-5-2, June 14, 1985. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information submitted by you or your agent within 15 days of receipt of this notice of violation has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Ms. Jan Brown at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will then be considered which were not available on the date of the proposed assessment due to the length of the abatement period. This assessment does not constitute a request for payment.

Sincerely,

Mike Earl

Mike Earl
Assessment Officer

jmc
Enclosure
cc: D. Griffin
7314Q

SUMMARY OF PROPOSED ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING
355 West North Temple 3 Triad Center Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

COMPANY/MINE Genwal/Crandall Canyon PERMIT # ACT/015/032

<u>VIOLATION</u>	<u>POINTS</u>	<u>AMOUNT</u>
<u>N85-4-16-1</u>	<u>57</u>	<u>\$1,260</u>
<u>N85-4-23-1</u>	<u>67</u>	<u>1,940</u>
<u>C85-4-3-1</u>	<u>4 days</u>	<u>3,000</u>
<u>C85-4-5-2 #1</u>	<u>1 day</u>	<u>750</u>
<u>C85-4-5-2 #2</u>	<u>1 day</u>	<u>750</u>
<u>C85-4-7-1</u>	<u>1 day</u>	<u>750</u>
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<u>TOTAL ASSESSED FINE</u>	<u> </u>	<u>\$8,450</u>

0056Q

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon NOV # N85-4-16-1
 PERMIT # ACT/015/032 VIOLATION 1 OF 1

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
which fall within 1 year of today's date?

ASSESSMENT DATE 12/20/85 EFFECTIVE ONE YEAR DATE 12/21/84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
N83-2-14-1	4/19/85	1	C84-2-1-1	3/18/85	5
N84-2-9-2	3/18/85	2	N84-2-19-1	3/18/85	1
N84-2-14-1	3/18/85	1	N84-2-21-1	3/18/85	1
N84-2-17-1	3/18/85	1	C84-2-2-1	3/18/85	5
N84-2-16-1	3/18/85	1	N84-2-20-6 PA	5/16/85	0
N84-4-14-1 PA	5/16/85	0	N85-4-9-1 PA	9/13/85	0
N85-4-6-1 PA	9/13/85	0	N85-4-7-2 PA	9/13/85	0
N85-4-7-2 PA	9/13/85	0	N85-4-12-3 PA	9/13/85	0
N85-4-5-2 PA	7/15/85	0	C85-4-3-1 PA	12/20/85	0
C85-4-5-2 PA	12/20/85	0	C85-4-7-1 PA	12/20/85	0

1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted

TOTAL HISTORY POINTS 18

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS Assessed as likely based on inspector statement that pollution could occur because of the inadequate capacity of the settlement pond. The likelihood of the event occurring would depend on the particle size and detention time of the runoff. The possibility of the event occurring increases with the size of the precipitation event.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 8

PROVIDE AN EXPLANATION OF POINTS Per inspector statement, there could be a significant increase in the sediment load from the approximately 18 acres involved. The runoff could enter Crandall Creek.

TOTAL SERIOUSNESS POINTS (A or B) 18

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater degree of fault

ASSIGN NEGLIGENCE POINTS 21

PROVIDE AN EXPLANATION OF POINTS Inspector indicates operator has not constructed or maintained the undisturbed diversion according to their approved plans.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

***Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.**

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? Difficult ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS At the time of assessment the NOV had not been terminated. Plans required.

V. ASSESSMENT SUMMARY FOR N85-4-16-1

I. TOTAL HISTORY POINTS	<u>18</u>
II. TOTAL SERIOUSNESS POINTS	<u>18</u>
III. TOTAL NEGLIGENCE POINTS	<u>21</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>

TOTAL ASSESSED POINTS 57

TOTAL ASSESSED FINE \$1,260

Mike Earl

ASSESSMENT DATE _____ ASSESSMENT OFFICER Mike Earl

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon NOV # N85-4-23-1

PERMIT # ACT/015/032 VIOLATION 1 OF 1

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
which fall within 1 year of today's date?

ASSESSMENT DATE 12/20/85 EFFECTIVE ONE YEAR DATE 12/21/84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
N83-2-14-1	4/19/85	1	C84-2-1-1	3/18/85	5
N84-2-9-2	3/18/85	2	N84-2-19-1	3/18/85	1
N84-2-14-1	3/18/85	1	N84-2-21-1	3/18/85	1
N84-2-17-1	3/18/85	1	C84-2-2-1	3/18/85	5
N84-2-16-1	3/18/85	1	N84-2-20-6 PA	5/16/85	0
N84-4-14-1 PA	5/16/85	0	N85-4-9-1 PA	9/13/85	0
N85-4-6-1 PA	9/13/85	0	N85-4-7-2 PA	9/13/85	0
N85-4-7-2 PA	9/13/85	0	N85-4-12-3 PA	9/13/85	0
N85-4-5-2 PA	7/15/85	0	C85-4-3-1 PA	12/20/85	0
C85-4-5-2 PA	12/20/85	0	C85-4-7-1 PA	12/20/85	0
N85-4-16-1 PA	12/20/85	0			

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 18

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 17

PROVIDE AN EXPLANATION OF POINTS Assessed as occurred based on inspector statement that the sediment pond was discharging at approximately 80 gpm. Lab analysis indicated a TSS of 282 mg/l. The effluent limitation is 70 mg/l. The highest TSS level for Crandall Creek for the period 6/85 - 10/85 as reported by the operator was 12 mg/l.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Per inspector statement, it was not known how long the discharge had been occurring but the stream was turbid all the way down to its confluence with Huntington Creek. The turbidity of the stream went from crystal clear above the discharge to a chocolate color below the discharge point. Any oil and grease which would have been in the pond had been discharged.

TOTAL SERIOUSNESS POINTS (A or B) 35

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater degree of fault

ASSIGN NEGLIGENCE POINTS 19

PROVIDE AN EXPLANATION OF POINTS Per inspector statement, the operator should have been fully aware of the problem with the mine water pipe and failed to correct the problem.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

***Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.**

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS -5

PROVIDE AN EXPLANATION OF POINTS Operator was to abate immediately. NOV was terminated the same day. Operator made repairs with materials on hand.

V. ASSESSMENT SUMMARY FOR N85-4-23-1

I. TOTAL HISTORY POINTS	<u>18</u>
II. TOTAL SERIOUSNESS POINTS	<u>35</u>
III. TOTAL NEGLIGENCE POINTS	<u>19</u>
IV. TOTAL GOOD FAITH POINTS	<u>-5</u>

TOTAL ASSESSED POINTS 67

TOTAL ASSESSED FINE \$1940

Mike Earl

ASSESSMENT DATE 12/20/85 ASSESSMENT OFFICER Mike Earl

X PROPOSED ASSESSMENT FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon CO # C85-4-3-1
PERMIT # ACT/015/032 VIOLATION 1 OF 1
INSPECTOR Dave Lof DATE ISSUED May 2, 1985
NATURE OF THE CESSATION ORDER: Failure to abate NOV# N85-4-12-3
No.'s 1 and 3 of 3.
DATE OF ABATEMENT OF CESSATION ORDER: May 7, 1985
DATE OF RECEIPT OF CESSATION ORDER: May 3, 1985
LIST THE DAYS OF FAILURE TO ABATE: May 3, 1985 to May 7, 1985
TOTAL NUMBER OF DAYS OF FAILURE TO ABATE: 4
NUMBER OF DAYS X \$750/DAY = TOTAL ASSESSED FINE: \$3,000
ASSESSMENT DATE 12/20/85 ASSESSMENT OFFICER Mike Earl
Mike Earl
X PROPOSED ASSESSMENT FINAL ASSESSMENT

0109Q

WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon CO # C85-4-7-1
PERMIT # ACT/015/032 VIOLATION 1 OF 1
INSPECTOR Dave Lof DATE ISSUED June 28, 1985
NATURE OF THE CESSATION ORDER: Failure to abate NOV# N85-4-6-1
DATE OF ABATEMENT OF CESSATION ORDER: July 3, 1985
DATE OF RECEIPT OF CESSATION ORDER: July 3, 1985
LIST THE DAYS OF FAILURE TO ABATE: July 3, 1985
TOTAL NUMBER OF DAYS OF FAILURE TO ABATE: 1
NUMBER OF DAYS X \$750/DAY = TOTAL ASSESSED FINE: \$750
ASSESSMENT DATE 12/20/85 ASSESSMENT OFFICER Mike Earl

Mike Earl

X PROPOSED ASSESSMENT FINAL ASSESSMENT

0109Q

WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon CO # C85-4-5-2
PERMIT # ACT/015/032 VIOLATION 1 OF 2
INSPECTOR Dave Lof DATE ISSUED June 14, 1985
NATURE OF THE CESSATION ORDER: Failure to abate NOV# N85-4-7-2 #2
DATE OF ABATEMENT OF CESSATION ORDER: June 16, 1985
DATE OF RECEIPT OF CESSATION ORDER: June 15, 1985
LIST THE DAYS OF FAILURE TO ABATE: June 15, 1985 to June 16, 1985
TOTAL NUMBER OF DAYS OF FAILURE TO ABATE: 1
NUMBER OF DAYS X \$750/DAY = TOTAL ASSESSED FINE: \$750
ASSESSMENT DATE 12/20/85 ASSESSMENT OFFICER Mike Earl

Mike Earl

X PROPOSED ASSESSMENT FINAL ASSESSMENT

0109Q

WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon CO # C85-4-5-2
PERMIT # ACT/015/032 VIOLATION 2 OF 2
INSPECTOR Dave Lof DATE ISSUED June 14, 1985
NATURE OF THE CESSATION ORDER: Failure to abate NOV# N85-4-12-3 #3
DATE OF ABATEMENT OF CESSATION ORDER: June 16, 1985
DATE OF RECEIPT OF CESSATION ORDER: June 15, 1985
LIST THE DAYS OF FAILURE TO ABATE: June 15, 1985 to June 16, 1985
TOTAL NUMBER OF DAYS OF FAILURE TO ABATE: 1
NUMBER OF DAYS X \$750/DAY = TOTAL ASSESSED FINE: \$750
ASSESSMENT DATE 12/20/85 ASSESSMENT OFFICER Mike Earl

Mike Earl

X PROPOSED ASSESSMENT FINAL ASSESSMENT

0109Q